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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,618	10/24/2003	Kreg A. Martin	2120-02800	6471
23505	7590	01/14/2008	EXAMINER	
CONLEY ROSE, P.C.			HSU, ALPUS	
David A. Rose			ART UNIT	
P. O. BOX 3267			PAPER NUMBER	
HOUSTON, TX 77253-3267			2619	
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			01/14/2008	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/693,618	<b>Applicant(s)</b> MARTIN ET AL.	
	<b>Examiner</b> Alpus H. Hsu	<b>Art Unit</b> 2619	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 November 2007.  
2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-15, 17-26, 28-40 and 42-53 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6-10, 14, 15, 17, 18, 20, 23-26, 28-31, 35-40, 42-45, 49 and 50 is/are rejected.  
7) ☒ Claim(s) 11-13, 19, 21, 22, 32-34, 46-48 and 51-53 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 6-8, 14, 15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over GHAFARI (of record) in view of KUSHITA (newly cited) in U.S. Patent No. 5,765,104 A, hereinafter referred to as KUSHITA.

Referring to claims 1, 6-8, 14, 15, 17 and 18, GHAFARI discloses a device and a method thereof that comprises: a plurality of circuits (56-1 and 56s) coupled together by asynchronous links, wherein the plurality of circuits includes a master circuit (56-1), and wherein the master circuit is configured to send a first synchronization signal to one or more of the plurality of circuits (56s), and wherein each circuit that receives the first synchronization signal is configured to responsively send a second synchronization signal to one or more of the plurality of circuits (see col. 3, line 63 to col. 4, line 5, col. 4, lines 18-34, col. 9, lines 43-59).

GHAFFARI differs from the claims, in that, it fails to disclose the utilization of word counters, providing a count value from a word counter that is used as part of a synchronization signal which is also well known in the art and commonly applied in data communications field for providing network synchronization control.

KUSHITA, for example, from the similar field of endeavor, teaches the utilization of word counters, providing a count value from a word counter that is used as part of a synchronization signal (see col. 5, lines 12-30, col. 5, lines 30-44), which can be easily adopted by one of ordinary skill in the art into the device and method of GHAFFARI to provide network synchronization control and improve the system efficiency.

4. Claims 2-4, 23-26, 28-30, 35, 37-40, 42-44 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over GHAFFARI (of record) in view of KUSHITA (newly cited), and further in view of OLSON (of record).

Referring to claims 23, 28-30, 35, 37, 42-44 and 49, GHAFFARI in view of KUSHITA differs from the claims, in that, it does not disclose the device operated under Fibre Channel (FC) network environment, comprising network nodes, FC fabric, and FC switches. But GHAFFARI does indicate such device can be applied to other system for interconnecting local control modules (see col. 13, line 63 to col. 14, line 12). The application of Fibre Channel (FC) network, comprising network nodes, FC fabric, and FC switches is also well known in the art.

OLSON, for example, from similar field of endeavor, teaches a fibre channel storage area network (SAN), comprises network nodes, FC fabric, and FC switches, with controllers having master/slave relationship (see col. 12, line 1 to col. 13, line 28) similar to the GHAFFARI.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the device of GHAFARI in view of KUSHITA into the FC network environment in OLSON to provide optical data communication to further improve the transmission speed and capacity for the system.

Referring to claims 2-4, 24-26, 38-40, OLSON teaches the data packet transmission, reception and storage (see col. 20, lines 3-59).

5. Claims 9, 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over GHAFARI (of record) in view of KUSHITA (newly cited), as applied to claims 1 and 15 above, and further in view of NGUYEN (of record).

Referring to claims 9, 10 and 20, the device and method provided from GHAFARI in view of KUSHITA fails to disclose the utilizations of system reset/power-on and hot-plug insertion, which are also well known in the art and commonly applied in data communications field for network fault recover.

NGUYEN, for example, from the similar field of endeavor, teaches the utilization of system reset/power-on and hot-plug insertion (see col. 3, line 50 to col. 4, line 39), which can be easily adopted by one of ordinary skill in the art into the device, method and system provided from GHAFARI in view of KUSHITA, to provide the system fault recovery to further improve the system reliability.

6. Claims 31, 36, 45 and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over GHAFARI (of record) in view of KUSHITA (newly cited) and OLSON (of record), as applied to claims 23 and 37 above, and further in view of NGUYEN (of record).

Referring to claims 31, 36, 45 and 50, the system provided from GHAFFARI in view of KUSHITA and OLSON fails to disclose the utilizations of system reset/power-on and hot-plug insertion, which are also well known in the art and commonly applied in data communications field for network fault recover.

NGUYEN, for example, from the similar field of endeavor, teaches the utilization of system reset/power-on and hot-plug insertion (see col. 3, line 50 to col. 4, line 39), which can be easily adopted by one of ordinary skill in the art into the device, method and system provided from GHAFFARI in view of KUSHITA and OLSON, to provide the system fault recovery to further improve the system reliability.

7. Claims 11-13, 19, 21, 22, 32-34, 46-48, 51-53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

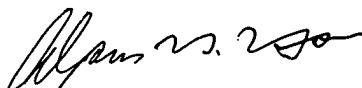
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571)272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



AHH

Alpus H. Hsu  
Primary Examiner  
Art Unit 2619